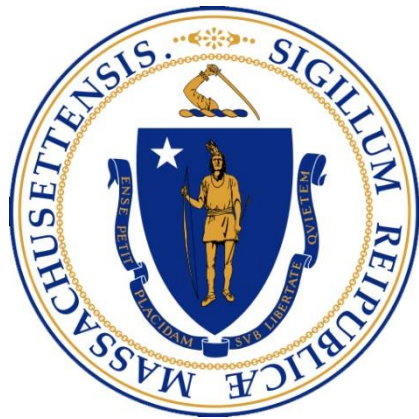


The Restorative Justice Advisory Committee

2020 Annual Report



Submitted by: The Executive Office of Public Safety and Security

Seat	Member	Appointed By:
Secretary, EOPSS	Undersecretary Andrew Peck	Ex Officio
Secretary, HHS	Scott Taberner	Ex Officio
House of Representatives, Speaker	Representative Sean Garballey	Legislature
Senate, Senate President	Senator Jamie Eldridge	Legislature
President, MA District Attorney's Association	ADA Becky Michaels	Ex Officio
Chief Counsel, Committee for Public Counsel Services	Atty. Allison Cartwright	Ex Officio
Commissioner of Probation	John Millett	Ex Officio
President, MA Chiefs of Police Association	Chief Fred Ryan	Ex Officio
Executive Director, MOVA	Diane Coffey	Ex Officio
MA Sheriff's Association	Mary Quinn	Ex Officio
Retired Trial Court Judge	Hon. Rosemary Minehan (ret.)	Governor
Restorative Justice	Erin Freeborn	Governor
Restorative Justice	Cheis Garrus	Governor
Restorative Justice	Irene 'Strong Oak' Lefebvre	Governor
Restorative Justice	Susan Jeghelian	Governor
Restorative Justice	Kara Hayes	Governor
Restorative Justice	Carolyn Boyes-Watson	Governor

The Creation and Purpose of the Restorative Justice Advisory Committee:

The Restorative Justice Advisory Committee (hereinafter “RJAC” or “the Committee”) was established by Section 202 of Chapter 69 of the Acts of 2018, An Act Relative to Criminal Justice Reform (hereinafter “*The Criminal Justice Reform Act*”).

Pursuant to the Criminal Justice Reform Act:

“The advisory committee shall consist of 17 members: 1 of whom shall be: the secretary of public safety and security or a designee who shall serve as chair; 1 of whom shall be the secretary of health and human services or a designee; 1 of whom shall be a member of the house of representatives appointed by the speaker; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be; the president of the Massachusetts district attorneys association, or a designee; 1 of whom shall be the chief counsel of the committee for public counsel services or a designee; 1 of whom shall be the commissioner of probation or a designee; 1 of whom shall be the president of the Massachusetts chiefs of police association, or a de-signee; 1 of whom shall be the executive director of the Massachusetts office for victim assistance or a designee; 1 of whom shall be the executive director of the Massachusetts sheriff’s association, or a designee; and 7 of whom shall be appointed by the governor, 1 of whom shall be a retired trial court judge and 6 of whom shall be representatives of community-based restorative justice programs or a member of the public with expertise in restorative justice. Each member of the advisory committee shall serve a 6-year term.”

Section 202 of the Criminal Justice Reform Act charges the RJAC with the following obligations:

The advisory committee may monitor and assist all community-based restorative justice programs to which a juvenile or adult defendant may be diverted pursuant to this chapter.”

“The advisory committee shall track the use of community-based restorative justice programs through a partnership with an educational institution and may make legislative, policy and regulatory recommendations to aid in the use of community-based restorative justice programs including, but not limited to: (i) qualitative and quantitative outcomes for participants; (ii) recidivism rates of responsible parties; (iii) criteria for youth involvement and training; (iv) cost savings for the commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data on gender, racial socioeconomic and geographic disparities in the use of community-based restorative justice programs; (vii) guidelines for restorative justice best practices; and (viii) appropriate training for community-based restorative programs.”

“The advisory committee shall annually, not later than December 31, submit a report with findings and recommendations to the governor, the clerks of the house of representatives and senate and the house and senate chairs of the joint committees on the judiciary and public safety and homeland security.”

The Year in Review

It would be remiss in the writing of the 2019-2020 report to not recognize that it comes at a moment of time like no other in recent memory. As the world continues its battle to contain the coronavirus pandemic, it's hard to remember a time before COVID-19 and social distancing. This, coupled with the May 25 death of George Floyd in Minneapolis, (which sparked protests across the country and ignited a racial reckoning in America), highlight both the deep social inequities of our country, and the need for restorative practices.

Impact of Covid-19:

The impact of COVID-19 cannot be underestimated. Impact on the Work of the RJAC:

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing. The result was the cancellation of several meetings and a determination in June for the committee to shift to remote meetings on the WebEx platform. The pandemic also impacted the development of the committee's RFP process (see below).

Restorative Justice in a Pandemic:

More widely than work product, the RJAC recognizes what the pandemic has highlighted. COVID-19 has laid bare and heightened inequities already rampant in our communities in Massachusetts and beyond.

We recognize that Restorative Justice is constructed from three main assumptions¹. These are:

- 1) When people and relationships are harmed, needs are created.
- 2) The needs created by harms lead to obligations.
- 3) The obligations are to heal and "put right" the harms.

While the coronavirus is a medical issue, a large part of what we are experiencing is a social crisis. One that offers a moment of reckoning about policy violence in all areas of life. The statement Black Lives Matters is not solely about police violence, it is about how BIPOC lives are impacted by housing, education and health care systems and the pandemic's impact on front-line workers and the significant variance in health outcomes. The three main assumptions of Restorative Justice listed above offer the RJAC and the wider community as a whole, a mechanism for addressing systemic historic injustice.

¹ <https://zehr-institute.org/what-is-rj/>

The Murder of George Floyd:

The name of George Floyd looks set to enter the history books along with Rosa Parks and Emmett Till, as the face of a moment that fueled a movement². Floyd's murder in Minneapolis could have caused a brief, mostly local, flurry of attention before the world moved on. Instead, it ignited a world-wide movement that pushes for reform. The calls for criminal justice reform that followed his death, both nationwide and locally, require that the RJAC acknowledge BIPOC's historical trauma and lived experiences of violence and center those traumas and experiences in our commitments to move forward.

The RJAC must continually assess its mission and processes to ensure that they are consistent with the principles of fairness, free from explicit and implicit bias, and recognize the inequities inherent in our society. To quote Fania Davis, the author of the Little Book of Race and Restorative Justice:

Restorative Justice risks losing relevance if we, as practitioners do not become more skillful at identifying, navigating and transforming racial harm³.

Education and Training of Advisory Committee Members:

A significant theme in this year's committee work was building upon its internal knowledge or Restorative Justice by training with practitioners from a variety of Restorative Justice Programs. Recognizing that Restorative Justice is a continuum, the presentations included system, community and education-based programs. In addition to in-person training a significant amount of written resources and online learning platforms were shared with the committee to deepen their work and understanding of Restorative Justice. The Committee's continuing collective education included the following:

Presentations (in-person or via WebEx):

- **Tuesday, January 14th, 2020**
Presenter: Maria V. D'Addieco, U.S. Probation Officer, U.S. District Court District of Massachusetts;
Title of Training: "Rise-Repair, Invest, Succeed, Emerge" (RISE Program)
- **Tuesday, March 10th, 2020**

² <https://www.brookings.edu/blog/up-front/2020/07/10/from-the-george-floyd-moment-to-a-black-lives-matter-movement-in-tweets/>

³ Davis, F. (2019). The Little Book of Race and Restorative Justice: Black lives, Healing, and US Social Transformation. New York, NY: Good Books.

Presenters: Molly Baldwin, Founder & Chief Executive Officer of ROCA, Scott Scharffenberg and Sotun Krouch;

Title of Training: *"A Community Response to Restorative Justice: a 20 Year Journey!"*

- **Tuesday, August 11th, 2020**

Presenter: Laura Prescott, Director of Operations for the Metro Region of the Department of Youth Services

Title of Training: *"Building Community";*

- **Tuesday, October 13th, 2020**

Presenter: Jon Wilson, Director JUSTAlternatives:

Title of Training: *"Considering the Need for Rigorously Victim-Centered Victim Offender Dialogue/Restorative Justice Practices";*

- **Tuesday, November 10th, 2020**

Presenter: Chandra Banks, M.Ed.; Cambridge Public Schools

- **Tuesday December 8th, 2020**

Presenter: Committee Member Strong Oak Lefebvre: a circle process for the RJAC.

Written Resources:

- Cross-Examination Is Brutal—Is It Time to Consider Restorative Justice in Sexual Assault Cases
Link: <https://www.forbes.com/sites/kimelsesser/2020/02/06/cross-examination-is-brutal-is-it-time-to-consider-restorative-justice-in-sexual-assault-cases/?sh=465c7d6b4f20>
- What Replaces Prisons by Michelle Kuo; Insight Prison Project
Link: <https://www.nybooks.com/articles/2020/08/20/what-replaces-prisons/>
- Four Challenges in the Future of Restorative Justice by William R. Wood and Masahiro Suzuki
School of Criminology and Criminal Justice, Griffith University, Southport, Australia
(See attached Appendix 1)
- Practitioner Handbook, Restorative Justice Council, UK
Link:
https://restorativejustice.org.uk/sites/default/files/resources/files/Practitioners%20Handbook_0.pdf
- Nebraska Restorative Justice Facilitator Standards of Practice (The Nebraska Restorative Justice Facilitator Standards of Practice were adopted by the Nebraska Office of Dispute Resolution in August 2020)
Link:
https://supremecourt.nebraska.gov/sites/default/files/u7124/Nebraska_Restorative_Justice_Standards_of_Practice_Approved_2020_08_26.pdf

- The Promise and the Peril of Restorative Justice; the Marshall Project.
Link: <https://www.themarshallproject.org/2020/07/21/they-agreed-to-meet-their-mother-s-killer-then-tragedy-struck-again>

Training Opportunities Shared via Conferences and Remote Learning:

- The Catholic Mobilizing Network Restorative Justice Training;
- RJ trainings and Circle Process via Restorative Community Justices of Southern Vermont.

Status of the Request for Response Process for Assessing State-wide Programmatic Capacity for Restorative Justice Work in Community:

The RJAC is charged with tracking the use of community-based restorative justice programs through a partnership with an educational institution.

The purpose of this RFP is to receive proposals from educational institutions with an independent knowledge of 1) generally what restorative justice constitutes; and 2) the ability to conduct a statewide survey of multiple agencies, organizations, and institutions. The budget for conducting this survey cannot exceed \$100,000.

The Subcommittee Members on Request for Response Subcommittee include:

1. **Chair**-Becky Michaels;
2. Rep. Sean Garballey;
3. Carolyn Boyes-Watson;
4. Cheis Garrus;
5. Irene 'Strong Oak' Lefebvre;
6. Kara Hayes;
7. Scott Taberner

Scope of RFP:

The scope of work for the RFP with the higher education institution is designed to focus on assisting the RJAC with obtaining the necessary information to carry out the tasks that RJAC believes to be the most influential or highly leveraged. This could include compiling an inventory of community-based restorative justice programs (and experienced/trained restorative justice practitioners) in MA that are prepared to take cases referred from the criminal justice system.

Drafting Process:

The RFP drafting process consumed the better part of a year. Becky Michaels Director for Community Prosecution Projects for the Northwestern District Attorney's Office took the lead for the committee for initial draft and coordinating the multiple edits and reviews by the committee and external voices. Critical to the process was designing a process to ensure access and a diversity of applicants while recognizing the role that restorative justice can play in addressing the inequities that are built into the criminal justice system. The review process included public review and comment from the Restorative Justice Coalition of Massachusetts (RJCMA) facilitated by subcommittee member Strong Oak Lefebvre.

Impact of COVID-19

Progress on the process was unfortunately halted by COVID-19 pandemic. Governor Baker ordered all Executive Branch employees still working to concern themselves with a response to the virus. The edict was particularly true for EOPSS and Undersecretary Peck who oversees the Department of Correction. As of the writing of this report, the funding and RFP process is suspended pending clarity about funding and administrative support.

The Subcommittee Members on the Annual Report include:

1. **Chair**-Allison Cartwright;
2. Irene 'Strong Oak' Lefebvre ;
3. Kara Hayes